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August 8, 2003

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The Honorable Tom Ridge
Secretary
Department of Homeland Security
Washington, DC

Dear Secretary Ridge:

I am writing you to reiterate my concerns about the lack of security surrounding the shipment of cargo on passenger airplanes, and to inquire in particular regarding the startling loophole in current security protocols that allows the amount of explosives used by Richard Reid, the "shoe bomber," as well as the one placed on Pan Am Flight 103 that exploded over Lockerbie, Scotland to be shipped as cargo on passenger airplanes without being subjected to *any* security measures whatsoever. My letter today follows a June 12, 2003 letter to you on the cargo screening security loophole on passenger planes, which has not yet been answered.

It is stunning that the Homeland Security Department currently exposes aircraft passengers to known and preventable risks by allowing all mail and packages that weigh less than 16 ounces to be transported on passenger airlines without going through any screening or security measures whatsoever. Such packages are not even subject to the flawed "known shipper" program that the Department unwisely relies upon for packages that are heavier than 16 ounces. This is an unacceptable national security risk that must be immediately remedied.

Numerous press stories¹ state that after September 11, 2001, the Federal Aviation Administration (FAA) banned passenger airlines from carrying all packages weighing more than 16 ounces unless they could be certified as being sent by a "known shipper". The Transportation Security Administration's (TSA) website² also spells out security requirements that apply only to packages weighing over 16 ounces. In fact, I have learned that a ban on shipping unscreened mail and cargo weighing more than 12 ounces unless it was contained in a bomb-resistant container on all passenger airlines was in place during both the Gulf War and was also in place from September 12-17, 2001, after which it was replaced by the "known shipper" program which only applies to cargo weighing more than 16 ounces, leaving anything lighter than that free from being subjected to any security measures whatsoever.

It is clear, however, that even the 12 ounce weight limit, let alone the 16 ounce limit the Administration eventually allowed, is woefully inadequate. The shoe bomb worn by Richard Reid, which experts believe could have blown a hole in the fuselage of the Boeing 767 he was

¹ See for example May 2002 article in Window on State Government, June 25, 2003 article in Newhouse News, September 26, 2001 article in Newsday, May 15, 2003 article in the Kansas City Star.

² See http://www.intl-freight.com/faa_security.htm

flying in, reportedly contained only 10 ounces of plastique explosives³. The bomb that blew up Pan Am Flight 103 over Lockerbie Scotland contained an estimated 11-16 ounces of Semtex plastique explosives⁴.

FAA has also received warnings from its own advisors regarding its inadequate cargo screening policy. According to the November 16, 2001 presentation to members of FAA's Ad Hoc REDAC Security Subcommittee on Technologies and Procedures to Prevent or Mitigate Aviation Terrorism, which was delivered by Mr. Paul Hudson, Executive Director of the Aviation Consumer Action Project and member of the FAA Aviation Security Advisory Committee, the Ad Hoc Committee, and the Airport Screening Checkpoint Team:

"The current FAA policy is inadequate to prevent a massive airliner bombing attack. Technology for screening cargo is available and needs to be deployed if airliners are to safely carry mail and cargo over a certain weight known to be sufficient to bring down an airliner with a bomb. Anyone familiar with the current air cargo or mail system could plant multiple bombs on US airliners. The Unabomber threatened and had the capacity to carry out such attacks, no doubt others do also."

The implications of TSA's insistence on screening air passengers' shoes while allowing the 16 ounce cargo loophole to remain in place are clear: Instead of wearing a shoe bomb or placing the bomb in passenger baggage, both of which would be screened, the next Richard Reid will simply send it in the mail or via FEDEX. I ask for your prompt assistance in responding to the following questions:

- 1) On what basis was the determination made to ban all unscreened mail and cargo weighing less than 12 ounces from being carried on passenger airlines both during the Gulf War and in the days immediately following September 11? Please provide copies of all technical and/or intelligence reports and assessments regarding the damage that could be done to a passenger airline using less than 12 ounces of explosives that were used to develop this policy. If no such reports or assessments were used, how did you know that it was safe to ship such packages on passenger airlines?
- 2) On what basis was the determination made to ban all unscreened mail and cargo weighing less than 16 ounces from being carried on passenger airlines after September 17, 2001? Please provide copies of all technical and/or intelligence reports and assessments regarding the damage that could be done to a passenger airline using less than 16 ounces of explosives that were used to develop this policy. If no such reports or assessments were used, how did you know that it was safe to ship such packages on passenger airlines?

³ See for example the February 16, 2002 article in Time Magazine, and the December 25, 2001 story on CNN.com

⁴ See <http://www.prague.tv/pill/article.php?name=semtex>,
http://news.bbc.co.uk/1/hi/special_report/1998/12/98/lockerbie/235632.stm,
<http://www.geocities.com/CapitolHill/5260/week7.html>, <http://news.bbc.co.uk/1/hi/world/790805.stm>,
<http://www.ict.org.il/documents/documentdet.cfm?docid=41>

- 3) Was this policy reexamined in light of the fact that Richard Reid's shoe bomb contained only 10 ounces of explosives and this was considered sufficient to blow a hole in the plane's fuselage? If so, please provide all documentation (memos, reports, emails, correspondence, and other documents) related to this reconsideration. If not, why not?

Thank you very much for your attention to these important matters. Please provide your response no later than Friday August 22, 2003. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff or Mr. Israel Klein of my staff at 202-225-2836.

Sincerely,


Edward J. Markey